

June 4, 2004

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: WT Docket No. 02-55  
*Ex Parte Presentation*

Dear Ms. Dortch:

On Wednesday, June 2, 2004, Robert S. Foosaner, Senior Vice President, Nextel Communications, Inc. ("Nextel"), met with Bryan Tramont, Chief of Staff to Chairman Michael Powell, regarding the Commission's above-captioned rulemaking on public safety communications in the 800 MHz band. As described in its filings in this proceeding, Nextel emphasized during the meeting the need for the Commission to expeditiously address the public safety issues at 800 MHz by adopting the Consensus Plan and assigning Nextel replacement spectrum in the 1.9 GHz band.

The attached document describing Nextel's spectral and financial support for the Consensus Plan was provided to Mr. Tramont. As this document indicates, during the meeting Nextel offered to enhance the Consensus Plan by contributing an additional 2 MHz of 800 MHz spectrum to public safety systems. This would nearly double the amount of 800 MHz band spectrum Nextel would contribute to public safety under the Consensus Plan to a total of 4.5 MHz -- a nearly 50% increase over today's public safety 800 MHz allocation of 10 MHz. As Nextel and the Consensus Parties have previously described, making additional 800 MHz spectrum available for public safety communicators is particularly critical, as existing public safety equipment and infrastructure already operates in the 800 MHz band. This enhancement to the Consensus Plan also provides additional interference protection for licensees below 861 MHz by increasing the frequency separation between the cellular and non-cellular blocks.

The additional 2 MHz will provide 40 more 800 MHz public safety communications channels in markets throughout the nation. This additional spectrum provides capacity for thousands of additional mobile units in communities where public safety systems face serious capacity constraints. It also provides the essential spectrum access necessary to create the interoperable communications networks essential for public safety officials to meet their expanded Homeland Security responsibilities.

Nextel's increased spectrum contribution to the Consensus Plan will help the Commission respond to the many urgent calls to action on establishing interoperable communications across jurisdictions and agencies. For example, Homeland Security Department Secretary Tom Ridge recently reemphasized the vital need for interoperable communications, stating that "[d]uring an emergency situation, effective communication and coordination is an absolute necessity for our nation's first responders."<sup>1</sup> Congresswoman Nancy Pelosi last month observed that in "every community across America, law enforcement officers are our first line of defense against another terrorist attack," and that must provide them with "the tools necessary to keep America safe."<sup>2</sup> John Lehman, a member of the 9/11 Commission, similarly stated that the "federal government needs to make many new radio frequencies available" to first responders.<sup>3</sup> With this enhancement, the Consensus Plan makes these new frequencies available for public safety in the band where they can do the most good.<sup>4</sup>

Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter is being filed electronically for inclusion in the public record of the above-referenced proceeding.

Sincerely,

/s/ Lawrence R. Krevor

Lawrence R. Krevor

Vice President – Government Affairs

cc: Bryan Tramont

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<sup>1</sup> Remarks at the Council for Excellence in Government, May 25, 2004, at 3.

<sup>2</sup> Statement on Peace Officers Memorial Day, May 14, 2004.

<sup>3</sup> John F. Lehman, "Missing a Chance to Learn From 9/11," *The New York Times*, May 26, 2004, at 23.

<sup>4</sup> The 800 MHz band is shared in the U.S. – Mexico and U.S. – Canada Border areas among the respective countries such that the U.S. has half or less than half the number of channels available in the non-border areas. Accordingly, Nextel cannot provide the same amount of additional spectrum in these areas as it can in the majority of the nation; therefore, the amount of spectrum returned to the Commission for public safety licensing will vary in these regions. The Commission should assist all parties by working to revise the Border Area sharing agreements to obtain the maximum possible spectrum access for U.S. licensees in the 800 MHz band.

# Nextel's Spectral and Financial Support of The Consensus Plan

<b>Retuning 800 MHz to Eliminate Interference</b>	
Retuning Public Safety and Private Wireless	\$850M
Retuning Nextel (Nextel's own retuning costs)	\$400M
Additional filters at Nextel's base stations	\$150M
<b>Restricted use of 862 – 863 MHz (equivalent to surrendering 0.5 MHz)*</b>	<b>\$288M</b>
<b>Creating "Green Space" and Providing Additional Spectrum for Public Safety</b>	
<b>4.5 MHz @ 800 MHz</b>	<b>\$2,590M</b>
4 MHz @ 700 MHz	\$350M
<b>Clearing the Replacement 1.9 GHz Spectrum</b>	
Pro rata UTAM reimbursement	\$15M
Relocating all BAS licensees	\$512M
<b>Total</b>	<b>\$5,155M</b>

\*Note: This is predicated upon the interference protection criteria in Appendix F for channels below 861 MHz being unchanged. Nextel's obligations to modify its use of spectrum above 862 MHz as is currently proposed in the Consensus Plan to provide interference protection would not apply for licensees between 861-862 MHz.